UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,447	11/19/2003	Kunihide Fujii	245548US6	3936

22850 7590 07/07/2006

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
PHU, SANH D	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,447	FUJII ET AL.	
	Examiner	Art Unit	
	Sanh D. Phu	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4/26/04 and 8/4/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The IDS filed 4/26/04 and 8/04/04 have been considered and recorded in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Snodgrass et al (5,500,650).

-Regarding to claim 1, Snodgrass et al discloses a communication apparatus (10) (see figure 1) for sending and receiving data by electromagnetic waves, comprising:

electromagnetic wave generating means (122) (see figure 2) for forming a radio frequency (RF) field by generating electromagnetic waves (see col. 7, line 66 to col. 8, line 24);

modulating means (118) (see figure 2) for sending digital data, which is inherently at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), by modulating electromagnetic waves (see col. 7, line 66 to col. 8, line 24);

and demodulating means (124) (see figure 2) for demodulating electromagnetic waves so as to acquire digital data sent from other apparatus (40) (see figure 1), the digital data which is inherently transmitted at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), (see col. 8, lines 44-65),

wherein data for requesting an identification (ID) "ARBITRARY NUMBER" to identify the other apparatus is sent, the ID sent from the other apparatus in

reply to the request for the ID is acquired (see (216, 220, 222, 230) of figure 10, col. 13, line 5 to col. 14, line 54), data that includes the ID of the other apparatus is sent as the data for the other apparatuses after acquiring the ID of the other apparatus (see (144, 146) of figure 6, (232, 234) of figure 10, col. 14, lines 3-21), and data for requesting the ID is sent again if the ID of the other apparatus has not been properly acquired (see (222, 218, 228, 248) of figure 10, col. 13, line 24 to col. 14, line 41).

-Regarding to claim 2, Snodgrass et al discloses that the data for requesting IDs is sent again if the IDs are simultaneously received from a plurality of other apparatuses or if any overlapping IDs are received from the plurality of other apparatuses (i.e., during a collision is occurred) (see (222, 218) of figure 10, col. 13, lines 24-65).

-Regarding to claim 3, Snodgrass et al discloses a communication method (10) (see figure 1) for sending and receiving data by electromagnetic waves, comprising:

an electromagnetic wave generating step (122) (see figure 2) for generating electromagnetic waves to form a radio frequency (RF) field;

a modulating step (118) (see figure 2) for modulating electromagnetic waves to send digital data, which is inherently at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), by modulating electromagnetic waves (see col. 7, line 66 to col. 8, line 24); and

a demodulating step (124) (see figure 2) for demodulating electromagnetic waves to acquire digital data transmitted from other apparatus (40) (see figure 1), the digital data which is inherently transmitted at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), (see col. 8, lines 44-65),

wherein data for requesting an identification (ID) "ARBITRARY NUMBER" to identify the other apparatus is sent, the ID sent from the other apparatus in reply to the request for the ID is acquired (see (216, 220, 222, 230) of figure 10, col. 13, line 5 to col. 14, line 54), data that includes the ID of the other apparatus is sent as the data for the other apparatuses after acquiring the ID of the other apparatus (see (144, 146) of figure 6, (232, 234) of figure 10, col. 14, lines 3-21), and data for requesting the ID is sent again if the ID of the other

apparatus has not been properly acquired (see (222, 218, 228, 248) of figure 10, col. 13, line 24 to col. 14, line 41).

-Regarding to claim 4, Snodgrass et al discloses communication apparatus (10) (see figure 1) for sending and receiving data by electromagnetic waves, comprising:

modulating means (118) (see figure 2) for modulating electromagnetic waves to send digital data, which is inherently at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), by modulating electromagnetic waves (see col. 7, line 66 to col. 8, line 24);; and

demodulating means (124) (see figure 2) for demodulating electromagnetic waves to acquire data sent from other apparatus (40) (see figure 1), the digital data which is inherently transmitted at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), (see col. 8, lines 44-65),

wherein, when data for requesting the ID for identifying itself is received from the other apparatus, its ID is generated using a random number

"ARBITRARY NUMBER" and the generated ID is sent, when data for requesting the ID is received again from the other apparatus, its ID is generated again by using a random number and the re-generated ID is sent again, and data that includes the ID of itself among the data sent from the other apparatus is received as the data for itself (see figure 10, col.13, line 24 to col. 14, line 54).

-Regarding to claim 5, Snodgrass et al discloses electromagnetic wave generating means (122) (see figure 2) for forming an RF field by generating electromagnetic waves, wherein the modulating means sends data by modulating the electromagnetic waves output from the electromagnetic wave generating means (see figure 2, col. 7, line 66 to col. 8, line 24).

-Regarding to claim 6, Snodgrass et al discloses that the modulating means sends data by load-modulating the electromagnetic waves generated by the other apparatus and received by means (124) (see figure 2).

-Regarding to claim 7, Snodgrass et al discloses a communication method for sending and receiving data by electromagnetic waves, comprising:

modulating step (118) (see figure 2) for modulating electromagnetic waves to send digital data, which is inherently at a transmission rate

(considered here equivalent with the limitation "one of a plurality of transmission rates"), by modulating electromagnetic waves (see col. 7, line 66 to col. 8, line 24); and

demodulating step (124) (see figure 2) for demodulating electromagnetic waves to acquire data sent from other apparatus (40) (see figure 1), the digital data which is inherently transmitted at a transmission rate (considered here equivalent with the limitation "one of a plurality of transmission rates"), (see col. 8, lines 44-65),

wherein, when data for requesting the ID for identifying itself is received from the other apparatus, its ID is generated using a random number "ARBITRARY NUMBER" and the generated ID is transmitted, when data for requesting ID is received again from the other apparatus, its ID is re-generated by using a random number and the re-generated ID is transmitted again, and data that includes its ID among the data sent from the other apparatus is received as the data for itself (see figure 10, col.13, line 24 to col. 14, line 54).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi (6,782,241) and Izumi (US 2002/0132584).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Th from 7:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D. Phu
Examiner
Division 2618

SP

06/21/06

SANH D. PHU
PATENT EXAMINER